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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/005,580	11/07/2001	Glenn R. Engel	10003418-1	8127

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EXAMINER

LAZARO, DAVID R

ART UNIT PAPER NUMBER

2155

DATE MAILED: 02/23/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/005,580	Applicant(s) ENGEL, GLENN R.	
	Examiner David Lazaro	Art Unit 2155	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 November 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 3-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 3-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. This office action is in response to the amendment filed 11/29/2005.
2. Claims 1 and 2 are canceled.
3. Claims 3-15 are pending in this office action.

Response to Amendment

4. Applicant's arguments filed 11/29/2005 have been fully considered but they are not persuasive. See Response to Arguments for details. Accordingly, the grounds of rejection, as presented in the 8/31/05 office action, are maintained.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 3 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,691,070 by Williams et al. (Williams) in view of U.S. Patent 6,405,111 by Rogers et al. (Rogers).
7. With respect to Claim 3, Williams teaches a data collection node comprising: an interface for receiving signals from a sensor (Col. 4 lines 27-38); an interface for connecting said data collection node to a computer network (Col. 6 lines 29-55 and Col. 8 lines 7-33); a controller for generating data based on measurements of said received

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signals (Col. 4 lines 27-38) and communicating that data to a sever via said computer network (Col. 8 lines 7-38).

Williams does not explicitly disclose said controller communicates said data via HTTP. Rogers teaches a data collection node (Col. 8 lines 20-41) can communicate collected data to a server over a computer network (Col. 8 line 60 - Col. 9 line 10) via HTTP (Col. 9 lines 11-23).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to take the data collection node disclosed by Williams and modify it as indicated by Rogers such that the node further comprises wherein said controller communicates data via HTTP. One would be motivated to have this, as HTTP allows for efficient and fast system development and further makes it easier to share information with remote computer systems (In Rogers: Col. 7 lines 58-64, Col. 3 lines 44-47 and Col. 6 lines 27-30).

8. With respect to Claim 4, Williams in view of Rogers teaches all the limitations of Claim 3 and further teaches wherein said controller receives data from said server that determines a measurement to be made by said controller (In Williams: Col. 8 lines 50-64).

9. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Williams in view of U.S. Patent 6,920,495 by Fuselier et al. (Fuselier).

10. With respect to Claim 5, Williams teaches a data collection node comprising: an interface for receiving signals from a sensor (Col. 4 lines 27-38); an interface for

connecting said data collection node to a computer network (Col. 6 lines 29-55 and Col. 8 lines 7-33); a controller for generating data based on measurements of said received signals (Col. 4 lines 27-38) and communicating that data to a sever via said computer network (Col. 8 lines 7-38).

Williams does not explicitly disclose said controller communicates with said server via a proxy server on said computer network. However, Fuselier teaches that web servers typically implement a security firewall (Col. 15 lines 56-66). The firewall limits access to authorized users only (Col. 15 lines 56-66). Proxy servers are implemented in conjunction with firewalls so that valid messages will be forwarded through the firewall (Col. 15 line 56 - Col. 16 line 5).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to take the data collection node disclosed by Williams and modify it as indicated by Fuselier such that the node further comprises wherein said controller communicates with said server via a proxy server on said computer network. One would be motivated to have this, as it is desirable to prevent unauthorized access to a server while not prohibiting valid messages (In Fuselier: Col. 15 lines 56 - Col. 16 line 5).

11. Claims 6 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Williams in view of U.S. Patent 6,085,243 by Fletcher et al. (Fletcher).

12. With respect to Claim 6, Williams teaches a data collection node comprising: an interface for receiving signals from a sensor (Col. 4 lines 27-38); an interface for

connecting said data collection node to a computer network (Col. 6 lines 29-55 and Col. 8 lines 7-33); a controller for generating data based on measurements of said received signals (Col. 4 lines 27-38) and communicating that data to a sever via said computer network (Col. 8 lines 7-38).

Williams does not explicitly disclose a clock for generating time readings that are included with data that is communicated to said server. Fletcher teaches a data collection node that includes a clock for generating time readings that are included in the collected data sent to the server (Col. 10 lines 1-33). This allows collected information to be properly ordered and provide meaningful information (Col. 10 lines 1-8).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to take the data collection node disclosed by Williams and modify it as indicated by Fletcher such that the node further comprises a clock for generating time readings that are included with data that is communicated to said server. One would be motivated to have this, as it is desirable to have properly ordered and meaningful data (In Fletcher: Col. 10 lines 1-8).

13. With respect to Claim 7, Williams in view of Fletcher teaches all the limitations of Claim 6 and further teaches wherein said clock is set via a message received from said server (In Fletcher: Col. 10 lines 1-33).

14. Claim 8-11 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Williams in view of U.S. Patent 6,490,617 by Hemphill et al. (Hemphill).

15. With respect to Claim 8, Williams teaches a method for operating a computer network to collect data, said method comprising the steps of: providing a data collection node connected to said network (Col. 4 lines 27-38), said data collection node comprising: an interface for receiving signals from a sensor (Col. 4 lines 27-38); a controller for generating data based on measurements of said received signals (Col. 4 lines 27-38) and communicating that data to a sever via said computer network (Col. 8 lines 7-38); causing said server to provide a web page for accessing data generated by said controller (Col. 7 lines 56-65, Col. 8 line 39 - Col. 9 line 4); causing said controller to send a message to said server containing data generated by said controller (Col. 8 lines 7-33).

Williams does not explicitly disclose the server receiving a registration message from the controller. Hemphill teaches registrations techniques are known in the art (Col. 1 lines 13-44). Hemphill further teaches a data collection node which sends a registration message to a server (Col. 10 lines 19-67). The information from the node is then available through a web page (Col. 5 lines 3-29).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to take the method disclosed by Williams and modify it as indicated by Hemphill such that the method further comprises causing said server to provide a web page for accessing data generated by said controller in response to receiving a registration message from said controller; and causing said controller to send a

message to said server containing data generated by said controller after said controller sends said registration message. One would be motivated to have this, as it is desirable to provide information about devices at the time of discovery (In Hemphill: Col. 1 lines 52-59).

16. With respect to Claim 9, Williams in view of Hemphill teaches all the limitations of Claim 8 and further teaches the step of causing said controller to send a registration message to said server prior to communicating said data to said server (In Hemphill: Col. 10 lines 19-67 and Col. 5 lines 3-29).

17. With respect to Claim 10, Williams in view of Hemphill teaches all the limitations of Claim 8 and further teaches said controller communicates said message containing said data via HTTP (In Hemphill: Col. 2 lines 46-63 and Col. 9 lines 35-46).

18. With respect to Claim 11, Williams in view of Hemphill teaches all the limitations of Claim 8 and further teaches wherein said controller receives data from said server that determines a measurement to be made by said controller (In Williams: Col. 8 lines 50-64).

19. With respect to Claim 15, Williams in view of Hemphill teaches all the limitations of Claim 8 and further teaches the step of providing access to said Web page is via the Internet (In Williams: Col. 7 lines 44-51).

20. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Williams in view of Hemphill as applied to claim 8 above, and further in view of Fuselier.

21. With respect to Claim 12, Williams in view of Hemphill teaches all the limitations of Claim 8 but does not explicitly disclose said controller communicates with said server via a proxy server on said computer network. However, Fuselier teaches that web servers typically implement a security firewall (Col. 15 lines 56-66). The firewall limits access to authorized users only (Col. 15 lines 56-66). Proxy servers are implemented in conjunction with firewalls so that valid messages will be forwarded through the firewall (Col. 15 line 56 - Col. 16 line 5).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to take the method disclosed by Williams in view of Hemphill and modify it as indicated by Fuselier such that the node further comprises wherein said controller communicates with said server via a proxy server on said computer network. One would be motivated to have this, as it is desirable to prevent unauthorized access to a server while not prohibiting valid messages (In Fuselier: Col. 15 lines 56 - Col. 16 line 5).

22. Claims 13 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Williams in view of Hemphill as applied to claim 8 above, and further in view of Fletcher.

23. With respect to Claim 13, Williams in view of Hemphill teaches all the limitations of Claim 8, but does not explicitly disclose a clock for generating time readings that are included with data that is communicated to said server. Fletcher teaches a data collection node that includes a clock for generating time readings that are included in

the collected data sent to the server (Col. 10 lines 1-33). This allows collected information to be properly ordered and provide meaningful information (Col. 10 lines 1-8).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to take the method disclosed by Williams in view of Hemphill and modify it as indicated by Fletcher such that the node further comprises a clock for generating time readings that are included with data that is communicated to said server. One would be motivated to have this, as it is desirable to have properly ordered and meaningful data (In Fletcher: Col. 10 lines 1-8).

24. With respect to Claim 14, Williams in view of Hemphill and in further view of Fletcher teaches all the limitations of Claim 13 and further teaches the step of resetting said clock to a time determined by a message received from said server (In Fletcher: Col. 10 lines 1-33).

Response to Arguments

25. Applicant's arguments filed 11/29/05 have been fully considered but they are not persuasive.

26. Applicant argues on page 5 - "Referring to Figure 2 in Williams, the only candidate for the interface for receiving signals from a sensor is interface adapter 20 shown in Figure 2...Williams does not teach that processor 42 communicates the collected data to a server on the network via the network. Hence, there is no candidate for the "server" that receives the data via the network. Accordingly, the Examiner has

not shown that each element of Claim 3 is taught in the references, and hence, the examiner has not made a prima facie case for obviousness...”

a. Examiner's response - The examiner cited col. 4, lines 27-38, as teaching the “interface for receiving signals form a sensor”. This passage states that the data collectors “may each sample data provided by sensors” and that “each data collector can have up to two (2) or more sensors”. The fact that a data collector can be provided data from sensors and is directly associated with multiple sensors makes it clear that a data collector has an “interface for receiving signals from a sensor”. The “interface adapter 20” is how the server, processor 42, is linked to the data collectors (Col. 6 lines 43-45). Note also the Daemon 54 of Fig. 3 functions in a similar fashion (Col. 8 lines 7-33). Furthermore, this interface adapter can be considered the receiving interface for the server in relationship to network linking the data collectors to the server.

b. Specifically, data collectors are considered to be “small computers located remotely from the central computer” (Col. 5 lines 28-31- the central computer being the server, processor 42). Col. 5 lines 36-39 further states, “The data collectors are preferably mounted near the equipment they are dedicated to monitoring and connected to the system by low voltage wiring with modular connectors.” Based on this information, the data collectors have an interface allowing them to communicate over the low voltage wiring such that data generated from the sensors (as described earlier in relation to Col. 4 lines 27-38) can be communicated to the server through the interface adapter 20 as

described in Col. 6, lines 29-55, and Col. 8, lines 7-38. Therefore, the data collector has "an interface connecting said data collection node to a computer network" and "a controller for generating data based on measurements of said received signals and communicating that data to a sever via said computer network."

c. As stated in the rejection. Williams does not teach the controller communicates data via HTTP. However, Rogers teaches that a data collection node can communicate collected data to a server over a computer network (Col. 8 lines 20-41, and Col. 8 line 60 - Col. 9 line 23). Roger further provides motivation for making the combination as disclosed in the rejection.

d. Based on the reasons, the examiner has made a proper *prima facie* case of obviousness. Applicant's arguments are not persuasive.

27. Applicant argues on page 7 of the remarks - "Hemphill teaches a system in which devices that are to be managed by a server send a registration message to that server. However, such a system would not be needed in the system taught in Williams, since the server in Williams is directly connected to the devices being managed by the server, and hence, has no need to received registration messages from those devices over the network."

e. Examiner's response - Applicant has not provided any evidence as to how the devices of Williams are directly connected to the server. As discussed above, the data collectors of Williams are "small computers located remotely

from the central computer” and “preferably mounted near the equipment they are dedicated to monitoring and connected to the system by low voltage wiring with modular connectors.” (Col. 5 lines 28-39- the central computer being the server, processor 42). Clearly the devices being managed by the server are not directly connected to the server.

f. Applicant’s arguments are not persuasive.

Conclusion

28. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

29. U.S. Patent 6,147,601 by Sandelman et al. “Electronic message delivery system utilizable in the monitoring of remote equipment and method of same” November 14, 2000. Discloses remote sensors with an interface unit for generating messages related to the monitored equipment. Messages are sent to a central server for forwarding to a user device.

30. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the

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shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David Lazaro whose telephone number is 571-272-3986. The examiner can normally be reached on 8:30-5:00 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saleh Najjar can be reached on 571-272-4006. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



David Lazaro
February 15, 2006



SALEH NAJJAR
SUPERVISORY PATENT EXAMINER